

EXHIBIT "A"

1 UNITED STATES DISTRICT COURT
2 WESTERN DISTRICT OF PENNSYLVANIA
3

4 TINA LINDQUIST,)

ORIGINAL

5 Plaintiff,)

6 vs.) NO. 04-249E

7 HEIM L.P.,)

8 Defendant.)
9

10 The discovery deposition of ANTHONY ROBERT
11 MASE, JR., taken in the above-entitled cause,
12 before Kyla Elliott, a notary public of Cook
13 County, Illinois, on the 27th day of July, 2005, at
14 33 North LaSalle Street, Chicago, Illinois,
15 pursuant to Notice.
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21 Reported by: Kyla Elliott, CSR, RPR

22 License No.: 084-004264
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1 room or the two of you can leave the room and have
2 a discussion. Do you understand that instruction?

3 A. Yes.

4 Q. Is there anything that would prevent you
5 from testifying truthfully and accurately, any
6 infirmity, any medications, any problem or
7 condition whatsoever?

8 A. No.

9 Q. I'll show you Deposition Exhibit No. 1,
10 which is a Notice of Designated Corporate Official
11 Deposition. Have you had an opportunity to review
12 that?

13 A. Yes.

14 Q. Am I correct today that Heim Corporation
15 has appointed you as the individual to provide
16 testimony with regard to the matters outlined in
17 that notice?

18 A. Yes.

19 Q. Okay. Is there any area that's in the
20 notice that you are not prepared to testify on
21 behalf of Heim today?

22 A. No.

23 Q. Other than direct discussions with your
24 attorney, what have you done to prepare yourself

1 A. I believe the scenario would be a customer
2 already has a knowledge of what he wants to
3 produce, has researched that product and would
4 provide a manufacturer such as Heim or someone else
5 a typical tonnage such as a 70 ton, a certain
6 length being a 6 foot would be the request. It is
7 a general purpose machine.

8 Q. Okay. So the typical sales transaction
9 does not involve Heim trying to ascertain what the
10 press brake is going to be utilized for?

11 A. Correct.

12 Q. The customer makes that decision and makes
13 the request from Heim as to the size of tonnage and
14 the length of the bed?

15 A. Correct.

16 MR. ROBINSON: Just so we have the correct
17 terminology down, when you use the term customer,
18 you might want to ask some questions or delve into
19 that issue because many times these go through
20 distributors which, in fact, is a customer and not
21 the end user.

22 MR. HARTMAN: That's fair. Thank you for that.

23 BY MR. HARTMAN:

24 Q. Was this a direct purchase by Afco --

1 THE WITNESS: All -- it's a mature product, I
2 don't believe all of them are in existence today.

3 MR. ROBINSON: I don't know what you mean by
4 servicing them.

5 BY MR. HARTMAN:

6 Q. What I mean by servicing, if somebody
7 called and had a 70-6 that was made in the '60s,
8 '70s, '80s, '90s, they could still get replacement
9 parts for it, you still have the technical journals
10 for it, you still have the manuals for it, am I
11 correct?

12 A. Yes.

13 Q. So what I mean is that you're still able
14 to provide all the support for all of the press
15 brakes you've manufactured, am I correct?

16 A. Yes.

17 Q. So with regard to the foot pedal, if
18 someone lost the foot pedal, they would be able to
19 contact you and order a replacement foot pedal?

20 A. It's available.

21 Q. And would you agree that a foot pedal that
22 was used in 1967 when they were first made is
23 similar to the foot pedal that's used today?

24 MR. ROBINSON: I'll object to the form of the

1 Pedestal and two palm switch that was not in use at
2 the time of this accident that he hasn't seen until
3 you've shown him these photographs.

4 BY MR. HARTMAN:

5 Q. On photograph number 31 and 32 there's a
6 foot switch, a foot pedal. Can you see that?

7 A. Yeah.

8 Q. Okay. From what is depicted in that
9 photograph does that foot pedal look like the basic
10 type of foot pedal that was in circulation in 1978?

11 MR. ROBINSON: I'll object to the form of the
12 question. Are you asking him if -- are you asking
13 him if that's the foot switch that was supplied
14 with this particular press brake?

15 MR. HARTMAN: My question is clear.

16 MR. ROBINSON: No, your question isn't clear,
17 that's the problem. Does it have the appearance,
18 the basic appearance of the type that was in use in
19 the trade in 1978?

20 MR. HARTMAN: Yeah.

21 MR. ROBINSON: Object to the question. You
22 don't need to answer that question.

23 BY MR. HARTMAN:

24 Q. Can you answer that question?

1 MR. ROBINSON: He's not going to. I think that
2 question is too broad, too vague and misleading.
3 Why don't you --

4 MR. HARTMAN: We're going to be here until
5 7:00.

6 MR. ROBINSON: You've used that threat before,
7 Mr. Hartman. If you truly think we will be here
8 we'll this play out. I think it's a threat to try
9 to get us to answer questions that are
10 objectionable.

11 MR. HARTMAN: I'm trying to get things done.

12 MR. ROBINSON: You've mentioned that belief.

13 BY MR. HARTMAN:

14 Q. With regard to the length of the cord
15 depicted on the photographs 31 and 32 that's
16 attached to the foot pedal, is that basically the
17 size of the cord that you had seen utilized in foot
18 pedals in the past?

19 MR. ROBINSON: Object to the form. You can
20 answer.

21 THE WITNESS: It appears to be a typical
22 length.

23 BY MR. HARTMAN:

24 Q. What color were the foot pedals that were

1 provided with the 70-6 in 1978?

2 A. I believe it was orange.

3 Q. And I would ask you to assume because I
4 have other photographs that the opening of this
5 orange foot pedal is open, you can slide your foot
6 right in and then there's a pedal?

7 MR. ROBINSON: I'll object to the form of this.

8 BY MR. HARTMAN:

9 Q. If you assume that would that foot pedal
10 be the type of foot pedal that would have been
11 supplied with the 70-6 in 1978?

12 If you assume that this foot pedal has an
13 opening at the front of it where the operator just
14 slides their foot in and can hit the pedal, would
15 that be the type of foot pedal that would have been
16 supplied with the brake press in 1978?

17 MR. ROBINSON: I'll object to the form of the
18 question. Are you asking him if the foot pedal
19 that was supplied with the press brake in 1978 had
20 an opening.

21 MR. HARTMAN: Okay, yes.

22 THE WITNESS: I would make that assumption,
23 yes.

24